



04-09-01

CPA/16/17#

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No: 30105/32001

**CONTINUED PROSECUTION APPLICATION REQUEST
TRANSMITTAL UNDER 37 CFR 1.53(d)**

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**Box CPA
Commissioner for Patents
Washington, D.C. 20231**

APR 12 2001

TECH CENTER 1600/2900

Sir:

This is a request under 37 CFR 1.53(d) for filing a

- ☒ continuation application.
☐ divisional application.

1. Particulars of Prior Application

Application Serial No: 09/175,748
Filed on: March 1, 1999
Title: PERFORMANCE-ENHANCING DIETARY SUPPLEMENT
Art Unit: 1617
Examiner: R. Travers

CERTIFICATION UNDER 37 CFR 1.10

I hereby certify that this Continued Prosecution Application Request Transmittal Under 37 CFR 1.53(d) and the documents referred to as enclosed therewith are being deposited with the United States Postal Service on **April 6, 2001**, in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231 utilizing the "Express Mail Post Office to Addressee" service of the United States Postal Service under Mailing Label No. EL676089450US.

04/11/2001 RHARIS1 00000065 09175748

01 FC:231
02 FC:202
03 FC:203

355.00 OP
40.00 OP
9.00 OP

Richard Zimmermann

2. This request is filed by:

| | | | |
|--------------------------------|---|---|--|
| 1. Full Name of Inventor | Family Name Hastings | First Given Name Carl | Second Given Name W. |
| Residence & Citizenship | City Glencoe | State or Foreign Country Missouri | Country of Citizenship U.S.A. |
| Post Office Address | Post Office Address 18180 Bent Ridge Drive | City Glencoe | State & Zip Code/Country Missouri 63038 |
| 2. Full Name of Inventor | Family Name Barnes | First Given Name David | Second Given Name J. |
| Residence & Citizenship | City Wildwood, U.S.A. | State or Foreign Country Missouri | Country of Citizenship U.S.A. |
| Post Office Address | Post Office Address 253 Cove Landing Drive | City Wildwood | State & Zip Code/Country Missouri 63040 |
| 3. Full Name of Inventor | Family Name Daley | First Given Name Christine | Second Given Name A. |
| Residence & Citizenship | City Columbia | State or Foreign Country Illinois | Country of Citizenship U.S.A. |
| Post Office Address | Post Office Address 1200 White Pine Circle | City Columbia | State & Zip Code/Country Illinois 62236 |

- ☐ This application is being filed by less than all the inventors named in the prior application. An accompanying statement requests deletion of the name(s) of the person(s) who are not inventors of the invention being claimed in this application.

3. Amendments

- ☒ Cancel claims 1-10 in the prior application before calculating the filing fee.
- ☒ A Preliminary Amendment is enclosed.
- ☐ Please enter the Amendment Under 37 CFR 1.116 previously filed in the prior nonprovisional application on _____, but unentered.
- ☒ The filing fee is based upon entry of the foregoing amendment(s) (if any).

4. Priority

- ☐ Priority of application No. _____, filed on _____ in _____ is claimed under 35 USC 119.
 - ☐ The certified copy(ies) was(were) filed in prior U.S. application Serial No. _____.
 - ☐ The certified copy(ies) has(have) not been filed.

5. Assignment

- ☒ The prior application is assigned of record to Reliv International, Inc., and has been recorded at Reel No.9722 , Frame No. 0931.

6. Small Entity Status

- ☒ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ A small entity statement is(are) attached.

7. Power of Attorney

- ☐ A new power of attorney or authorization of agent is enclosed.

8. Information Disclosure Statement

PTO-1449 is enclosed.

Copies of Information Disclosure Statement citations are enclosed.

8a. A Request For Interference is enclosed.

9. Fee Calculation

| CLAIMS AS FILED - INCLUDING AMENDMENT(S) (IF ANY) | | | | | | |
|---|-----------|-----------|--------------|----------|---------------------------|----------|
| | | | SMALL ENTITY | | OTHER THAN A SMALL ENTITY | |
| | NO. FILED | NO. EXTRA | RATE | FEE | RATE | FEE |
| BASIC FEE | | | | \$355.00 | | \$710.00 |
| TOTAL | 21 -20 | = 1 | X 9 = | \$9.00 | X 18 = | \$ |
| INDEP. | 4 - 3 | = 1 | X 40 = | \$40.00 | X 80 = | \$ |
| <input type="checkbox"/> First Presentation of Multiple Dependent Claim | | | + 135 = | -0- | + 270 = | \$ |
| Filing Fee: | | | | \$404.00 | OR | \$ |

10. Method of Payment of Fees

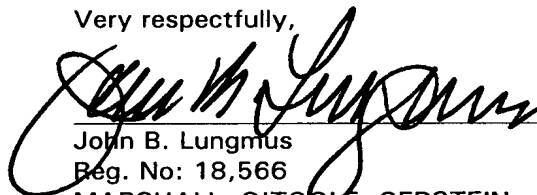
- ☒ Attached is a check in the amount of: \$404.00
- ☐ Charge Deposit Account No. 13-2855 in the amount of: \$ _____
A copy of this Transmittal is enclosed.

11. Deposit Account and Refund Authorization

The Commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required during the pendency of this application under 37 CFR 1.16 or 37 CFR 1.17 to Deposit Account No. 13-2855. A copy of this Transmittal is enclosed.

Please refund any overpayment to Marshall, O'Toole, Gerstein, Murray & Borun at the address below.

Very respectfully,



John B. Lungmus
Reg. No: 18,566
MARSHALL, O'TOOLE, GERSTEIN,
MURRAY & BORUN
6300 Sears Tower
233 South Wacker Drive
Chicago, Illinois 60606-6402
(312) 474-6300
(312) 474-0448 (Telefacsimile)

April 5, 2001



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Application of:) Performance-Enhancing
Carl W. Hastings et al) Dietary Supplement
Serial No. 09/175,748)
Filed 10/20/98) Group Art Unit: 1617
Examiner: R. Travers

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Commissioner of Patents & Trademarks
Washington, D.C. 20231

Sir:

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PRELIMINARY AMENDMENT

Please cancel all of the previous claims and substitute
the following therefor:

-
11. A food supplement, comprising lipoic acid or a derivative thereof, and creatine or a derivative thereof.
12. A food supplement according to Claim 1, comprising lipoic acid or a salt or ester thereof and creatine or a hydrate, salt or ester thereof.
13. A food supplement according to Claim 1, comprising lipoic acid or a derivative thereof and creatine monohydrate.
14. A food supplement according to Claim 1, further comprising glutamine.
15. A food supplement, comprising a dry mixture of the following ingredients in a daily serving of about 26g to 78g: 55% to 70% water extracted soy protein isolate containing at least 80% protein; 20% to 30% carbohydrate consisting essentially of fructose; 1% to 3% of an amino acid premix comprising two or more free form amino acids selected from the group consisting of l-leucine,

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